

Supreme Court, U.S.
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In The
Supreme Court of the United States

October Term, 1979

NO. 79-681

**ROSE SHUFFMAN, as Executrix of the
Estate of OSCAR SHUFFMAN, Deceased,**

Petitioner,

-against-

HARTFORD TEXTILE CORPORATION, et al., etc.,

Respondents.

**REPLY TO MOTION FOR LEAVE TO FILE PETITION
FOR WRIT OF MANDAMUS AND PETITION
FOR A WRIT OF MANDAMUS**

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ROSE SHUFFMAN, As Executrix of the
Estate of OSCAR SHUFFMAN, Deceased,

Petitioner,

-against-

HARTFORD TEXTILE CORPORATION, OXFORD
CHEMICAL, S, INC., WELLINGTON PRINT
WORKS, INC., A. DANIEL FUSARO, CLERK
OF THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT, EDWARD GUARDARO,
STAFF ATTORNEY TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT,
IRVING R. KAUFMAN, CHIEF JUDGE, AND
WILFRED FEINBERG, WALTER R. MANSFIELD,
WILLIAM HUGHES MULLIGAN, JAMES L. OAKES,
WILLIAM H. TIMBERS, MURRAY I. GURREIN,
ELLSWORTH A. VAN GRAAFEILAND, THOMAS J.
MESKILL, AMALYA KEARSE, JON O. NEWMAN,
STERRY R. WATERMAN AND JOE INGRAHAM,
JUDGES OF THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT,

Respondents.

REPLY TO MOTION FOR LEAVE TO FILE
PETITION FOR A WRIT OF MANDAMUS AND
PETITION FOR A WRIT OF MANDAMUS

To the Honorable Warren E. Burger,
Chief Justice of the United States,
and the Associate Justices of the
Supreme Court of the United States:

ROSE SHUFFMAN, as Executrix of the
Estate of OSCAR SHUFFMAN, Deceased, the
above-named Petitioner,* respectfully
shows to this Court, in her Reply to
Motion for Leave to File Petitioner for a
Writ of Mandamus and Petition for a Writ
of Mandamus:

* As used herein, "Petitioner" refers to
both Rose Shuffman, as Executrix of the
Estate of Oscar Shuffman, Deceased and
the late Oscar Shuffman.

I. Opinions Below

The "CORRECTED" Order of the United States Court of Appeals for the Second Circuit reprinted in Petitioner's Appendix* (Appendix at 3A), reviewed by this Court in Petition For A Writ of Certiorari to the United States Court of Appeals For The Second Circuit in Supreme Court Case No. 77-1812, is a fraudulent order.

The true Order of the United States Court of Appeals for the Second Circuit, dated May 9, 1978, is reprinted in the Appendix at 1A.

On November 8, 1979, approximately two weeks after the filing of the Motion for Leave to File a Petition for a Writ of Mandamus, the United States Court of Appeals for the Second Circuit entered an Order granting Petitioner's Motion there For Order Allowing Transcription of Oral Argument Held on May 9, 1978, which Motion had been pending in the Court of Appeals for over one year. The Order granting the Motion and the semi-complete copy of the transcript provided with the Order are reprinted as exhibits annexed to the Memorandum For the Federal Respondents In Opposition, filed by the Solicitor General of the United States on or about November 30, 1979.

* All references to "Appendix" refer to the appendix annexed to the Motion For Leave To File Petition For Writ of Mandamus and Petition For A Writ of Mandamus.

II. Additional Questions Presented*

1. In view of the incontrovertible proof that the Judges of the United States Court of Appeals for the Second Circuit have perpetrated a fraud of the United States Supreme Court and the Petitioner by allowing a knowingly false, forged "CORRECTED" Order to stand for Supreme Court review in Case No. 77-1812, will the United States Supreme Court join in the criminal conspiracy to obstruct justice and cover up of the fix in the Bankruptcy Court?

2. Whether, under Hazel-Atlas-Glass Co. v. Hartford Empire Co., 322 U.S. 238 (1944), the United States Supreme Court will sua sponte vacate its Order denying the Petition for a Writ of Certiorari in Case No. 77-1812 now that it knows that the "CORRECTED" Order reviewed therein was a forged, fraudulent document?

3. Whether the United States Supreme Court will sua sponte reconsider the Petition for a Writ of Certiorari in Case No. 77-1812 based upon the original true Order?

* Petitioner respectfully presents these Additional Questions, in addition to the Questions Presented in the original Motion for Leave to File a Petition for a Writ of Mandamus, in view of the affirmative answers to questions 3, 4, 5, 6 and 8 in said original Petition, as evidenced by the transcript of the oral argument held on May 9, 1978, reprinted in the exhibits annexed to the Memorandum for the Federal Respondents In Opposition.

4. Whether the United States Supreme Court will exercise its supervisory powers and vacate the Order dated October 1, 1979 denying the Petition for a Writ of Certiorari in Case No. 79-178 as a result of the United States Court of Appeals for the Second Circuit's judicial misconduct as part of the continuing criminal conspiracy to obstruct justice and cover up of a fix in order to defraud the Petitioner?

5. Whether the United States Supreme Court will sua sponte direct the United States House of Representatives to forthwith commence an investigation leading to impeachment proceedings and the removal of the dishonest and corrupt Judges in the United States Court of Appeals for the Second Circuit and the United States District Court for the Southern District of New York?

6. Whether the United States Supreme Court will sua sponte direct the Attorney General of the United States to move for the appointment of an independent Special Prosecutor under the applicable provisions of the Ethics in Government Act, in view of the Attorney General of the United States refusal to investigate the allegations of wrongdoing, including the Attorney General's knowing participation in the cover up involving the United States Attorney for the Southern District of New York?

ARGUMENT

A. The Transcript Proves the "CORRECTED" Order Is A Forged and Fraudulent Document

The transcript of the hearing held in the Court of Appeals on May 9, 1978, which contains at least one inaudible portion or gap, nevertheless shows that the Opinion issued from the Bench in response to Petitioner's Motion for Order Mandating Jurisdiction Back to the District Court was a simple denial of the motion.

The transcript further demonstrates that the "CORRECTED" Order which changed the simple denied to denied "without prejudice to apply to [District] Judge Brieant for whatever relief is appropriate," is an altered, forged Order.

The transcript also conclusively shows that the Judges of the United States Court of Appeals for the Second Circuit perpetrated a fraud upon the United States Supreme Court and the Petitioner by allowing a knowingly false and forged Order to stand for Supreme Court review in Case No. 77-1812.

The transcript further provides proof positive that the Judges of the United States Court of Appeals are engaged in a continuing criminal conspiracy to obstruct Justice as part of a cover-up of a fix in the United States Bankruptcy Court, which fix and cover-up defrauded the Petitioner of approximately a quarter of a million dollars.

B. The Solicitor General is
Aware of the Forgery and
the Fraud Upon the Supreme
Court and the Petitioner

A simple reading of the transcript annexed as an exhibit to the Memorandum For The Federal Respondents In Opposition, the original Order dated May 9, 1978 and the "CORRECTED" Order also dated May 9, 1978, shows that the "CORRECTED" Order is a forgery. That false document was presented to the Supreme Court for review in the Petition for a Writ of Certiorari in Case No. 77-1812.

In that Petition, Petitioner advised this Court of the criminal conspiracy being covered up by the Department of Justice and the Courts below. The pertinent part of that Petition reads as follows:

The deliberate falsification by the Bankruptcy Judge of the stipulated and agreed facts underlying his November 12, 1973 Order in finding facts and amending facts without a hearing that directly contradict those stipulated and agreed facts, in order to cover up criminal wrongdoing by a major law firm, and the hiring by that firm of the Assistant United States Attorney in charge of white collar crime while the actions of the law firm and judge were under investigation or review, and the subsequent ratification of those acts by the United States Attorney, the Department of Justice, and

a United States District Court Judge, have created a "judicial Watergate" that threatens the integrity of the entire judicial process and requires the immediate intervention of this Court.

* * *

Petitioner believes that the actions of the Bankruptcy Judge and United States Attorney in obstructing justice and attempting to cover up the criminal wrongdoing to defraud the petitioner has resulted in apparent chaos in the United States District Court for the Southern District of New York and the Court of Appeals for the Second Circuit, requiring the immediate intervention of the United States Supreme Court under its supervisory power. Unless the bull is taken by the horns, the situation will only get worse.

In her Motion for Leave to File a Petition for a Writ of Mandamus and Petition for a Writ of Mandamus, Petitioner outlined various aspects of the cover up, not the least of which was the falsification of the May 9, 1978 "CORRECTED" Order. By annexing a copy of the May 9, 1978 transcript to his Memorandum in Opposition which proves that the "CORRECTED" Order is a forged and false document, the Solicitor General blatantly exhibited his own lack of integrity and contempt for the Supreme Court.

- C. Contary to the Representations Made By the Solicitor General, the Motion for Leave to File a Petition for a Writ of Mandamus and Petition for a Writ of Mandamus Is Not Moot.

Petitioner began her argument in the Motion for Leave to File a Petition for a Writ of Mandamus, etc. thusly:

There is a very serious question as to whether or not the Court of Appeals for the Second Circuit has engaged in a deliberate conspiracy to obstruct justice and cover up of a fix in the Bankruptcy Court to protect Respondent Hartford and its counsel.

There can be no denying that corruption in the Federal Courts which prevents the honest administration of justice and subverts the Constitution is the most important issue which the Supreme Court can ever have presented for review. It is very simple for this Court to order the Clerk of the Court of Appeals to deliver the tape of the May 9, 1978 argument to the Supreme Court so that a transcription may be had which will clearly show whether the May 9, 1978 back-dated "CORRECTED" Order is a forgery. There is no legitimate basis for the denial of such a request to have the Court's tape recording of a public hearing

transcribed pursuant to the Court's own Rule 0.23, especially when such action will determine whether a fraud has been perpetrated upon the Supreme Court and the Petitioner by the Court of Appeals.

The transcript annexed to the Opposing Memorandum proves that the corruption which started in the Courts below has prevented the honest administration of justice by the Supreme Court, and has opened Pandora's Box vis-a-vis the necessary and proper relief to be afforded by the Supreme Court.

As was pointed out in the footnote to the Additional Questions Presented, supra, the following questions presented for review in the original Motion for Leave to File a Petition for a Writ of Mandamus, etc., have been answered in the affirmative based upon a simple reading of May 9, 1978 transcript:

3. Was the "CORRECTED" Order of the United States Court of Appeals for the Second Circuit reviewed by this Court in Petition for a Writ of Certiorari, Docket No. 77-1812, a true order, or a forged, back-dated document?

4. Did the three-judge panel of the United States Court of Appeals for the Second Circuit acquiesce in and/or perpetrate a fraud upon the United States Supreme Court by allowing a knowingly false, forged and backdated "CORRECTED" Order to stand for Supreme Court review?

5. Should the order denying the Petition for a Writ of Certiorari in Docket No. 77-1812 be vacated, and should reconsideration be ordered by the Court sua sponte based upon the True Order?

6. Has Petitioner been denied "due process" of law by the refusal of the United States Court of Appeals for the Second Circuit to obey the Court's own Rule and to rule upon her Motion to allow transcription of the tape of the May 9, 1978 proceedings for over one year?

8. Should the United States Supreme Court exercise its supervisory powers to determine whether the Petitioner and the Supreme Court have been defrauded as the result of a conspiracy to obstruct justice perpetrated by the Judges of the United States Court of Appeals for the Second Circuit?

The transcript also makes abundantly clear that as early as the very first appearance and argument in the Court of Appeals on May 9, 1978, the Court knew that the District Court was aware that a Notice of Appeal had been filed, yet, despite that knowledge, still determined to grant reargument. The pertinent part of the transcript reads:

SHUFFMAN:

Fine, Sir. Thank you. Your Honor, we have made a motion for an order mandating jurisdiction back to the United States District Court to the

Honorable Charles L. Brieant to allow him to rule on a motion to reargue his Memorandum and Order dated February 22, 1978. The Notice of appeal to this honorable court was filed on March 23, 1978, approximately the last date for the filing of the notice of appeal. The Honorable Judge Brieant did hear reargument on March 28, 1978 and with the full knowledge that the notice of appeal had been filed in this court did in fact grant reargument. However, because the Honorable Judge Brieant did not specifically state that he was granting reargument, we were forced to then docket the appeal in this court.

However, in the Per Curiam Opinion, the Court of Appeals stated:

On February 22, 1978, the orders of the bankruptcy judge relating to appellant's claim were affirmed by Judge Brieant of the United States District Court of the Southern District of New York. On March 6, 1978, appellant moved for reargument, the motion being returnable before Judge Brieant on March 28, 1978. On March 23, 1978, appellant filed a notice of appeal to this Court from the order on which she was seeking reargument. Judge Brieant, who was unaware of the appeal, heard oral argument and reserved

decision on the reargument motion. On learning of the appeal, Judge Brieant on April 17, 1978, vacated his determination to hear reargument....

Petitioner has already demonstrated, in her original Motion for For Leave To File a Petition for a Writ of Mandamus, etc., and in her Petition for a Writ of Certiorari and Petition for Rehearing in Case No. 79-178, that the United States Court of Appeals Per Curiam Opinion affirming the Memorandum and Order of the District Court which in turn affirmed the Orders of the Bankruptcy Court was clearly erroneous. Moreover, the Record demonstrates that the Per Curiam Opinion also contained numerous other statements known by the Court to be false.

The partially complete and unverified transcript of the oral argument of May 9, 1978, proves that the Court of Appeals has perpetrated a fraud on the Supreme Court of the United States by allowing a knowingly false, forged Order to stand for Supreme Court review. The transcript also shows that the Judges of the United States Court of Appeals are engaged in a continuing criminal conspiracy to obstruct justice and cover up the fix in the Bankruptcy Court.

As was pointed out in the Motion For Leave to File A Writ of Mandamus, etc., the same Judges who remained silent when their original Order of May 9, 1978 was forged and falsified are the same three Judges who denied all five Motions which were the subject of the extra copy request in the summer of 1978, said request coming after the motions were denied. The Court, however, advised counsel that none of the motions had been substantively decided.

These three Judges also kept their mouths shut and allowed a "charade" hearing to be staged on September 19, 1978 in response to Petitioner's Motion for Order Directing the President to Appoint a Special Prosecutor.

Two of the three "charading" Judges then participated in the Per Curiam Opinion which this Court refused to review in Case No. 79-178. Having dutifully performed their parts in the "charade" hearing as part of the cover up, these Judges continued to obstruct justice by writing a Per Curiam Opinion containing numerous false statements designed to further protect the cover up.

Far from mooting Petitioner's request for the issuance of an extraordinary writ by this Court, the transcript of the May 9, 1978 hearing requires that the Supreme Court sua sponte vacate its orders in Case Nos. 77-1812 and 79-178, and further move for the appointment of an independent Special Prosecutor to determine who is responsible for the cover up of the fix in the Courts below.

In addition, the transcript demonstrates the need for an independent Special Prosecutor to determine why the Attorney General and Solicitor General have acquiesced in the fraud upon the Supreme Court by the Court below, which has denied the Petitioner her right to "due process".

Because the wrongdoing which has contributed to the breakdown of the administration of justice has reached so high one can not help but wonder what the Solicitor General's motives are in treating the Justices of the Supreme Court as a bunch of fools!

D. The Supreme Court Has Ratified
the Fix, Albeit Unknowingly

Petitioner has been denied "due process" of law as a result of the criminal misconduct of the Judges of the Court of Appeals for the Second Circuit, as has been repeatedly pointed out to this Court.

Despite this knowledge, substantiated by the documentary evidence, the Supreme Court has not shown the slightest inclination or desire to correct the results of the fraud and injustice in the Court below or to restore integrity to the administration of justice. In fact, the actions of the Supreme Court have served to ratify the fix and cover up, intentionally or otherwise.

Petitioner, a widow, represented by a solo practitioner, her son, may not possess the power to undo the results of a very determined cover up, especially if the United States Supreme Court is determined to join in the wrongdoing. However, nothing this Court or any other Court can do, will change the fact that based upon the documentary evidence, a criminal conspiracy to defraud the Petitioner has reached into the United States Supreme Court. Furthermore, nothing will change the fact that based upon the documentary evidence, this Court knows and is well aware of the truth.

The United States of America has already lost a President, a Vice President and two Attorney Generals to corruption. As a result of the cover up of the fix in In re Hartford Textile Corporation, et al. the United States will probably lose another.

The United States Court of Appeals for the Second Circuit has already lost one Chief Judge to charges of corruption*. Undoubtedly, it will lose another, and several Circuit Judges, based upon their participation in the criminal conspiracy to obstruct justice and cover up of the fix in the case at bar.

The Justices of the United States Supreme Court now risk jeopardizing the integrity of the Nation's Highest Court unless they take the bull by the horns and do substantial justice in In re Hartford Textile Corporation, et al.

The Court has been asked to take judicial notice of the December 21, 1978 statement of the United States District Court Judge which admits the clearly erroneous nature of the Per Curiam Opinion which this Court refused to review by Order dated October 1, 1979 in Case No. 79-178. This Court has also been provided with other documentation showing that Per Curiam Opinion is in error in several other major respects.

This Court is now asked to take judicial notice of the fact that on October 29, 1979, Gilbert S. Rosenthal, Esq., this year's recipient of the New York State Bar Association's Criminal Lawyer of the Year Award, appeared as "Of Counsel" to Petitioner's counsel on an appeal in the United States Court of Appeals to argue for reversal of the District Judge's Order providing for a sua sponte permanent injunction barring Petitioner and her Counsel from filing any new papers in an effort to expose the cover up, which Order contained statements known by the District Court to be false.

* Chief Judge Marvin Manton in 1939.

This Court is also asked to take judicial notice of the fact that the law firm of Clark, Wulf, Levine & Peratis, the Clark being Ramsey Clark, former Attorney General of the United States, which, represents Petitioner's counsel on an Appeal of an Order of the Bankruptcy Judge imposing monetary sanctions on counsel personally, has filed papers which also demonstrate that the Court of Appeals Per Curiam Opinion is clearly erroneous.

The Supreme Court must put an end to the Watergate style judicial cover up in the Courts below by granting the Motion for Leave to File Petition for a Writ of Mandamus, etc. and the related relief requested therein. The integrity of the United States Supreme Court must not be compromised and/or prostituted in an effort to cover up the wrongdoing in the Courts below.

In re Hartford Textile Corporation, et al. must not become a real-life sequel to "...AND JUSTICE FOR ALL." Petitioner's right to EQUAL JUSTICE UNDER LAW must be recognized and protected once and for all.

CONCLUSION

Wherefore, Petitioner prays that a writ of mandamus issue out of this court directed to the Court of Appeals for the Second Circuit and the Judges, Clerk and Staff Counsel thereof commanding them as such Judges, Clerk and Staff Counsel, to inform this Court:

(1) why a forged and fraudulent "CORRECTED" Order was allowed to stand for Supreme Court review in Case No. 77-1812; (2) why the Judges, Clerk and Staff Counsel perpetrated a fraud on the Supreme Court and the Petitioner by remaining silent and allowing the false "CORRECTED" Order to be reviewed in Case No. 77-1812; (3) who altered and falsified said "CORRECTED" Order; (4) why said Judges have otherwise engaged in wrongful conduct which has subverted the honest administration of justice; and (5) why said Judges continue to participate in a criminal conspiracy to obstruct justice as part of a cover up of a fix in the Bankruptcy Court.

Petitioner further prays that this Court: (1) sua sponte vacate its Order denying the Petition for a Writ of Certiorari in Case No. 77-1812 based upon the false and forged Order and proceed forthwith to review said Petition based upon the original, truthful Order; (2) sua sponte vacate its Order denying the Petition for a Writ of Certiorari in Case No. 79-178 based upon the fraud on the Supreme Court and continuing conspiracy to obstruct justice in an effort to defraud the Petitioner as part of the cover up of a fix; (3) immediately upon vacating the Order denying the Petition For A Writ of Certiorari in Case No. 79-178, direct the Clerk of the United States Court of Appeals for the Second

Circuit to certify and transmit the entire Hartford Textile Corporation, et al. file to the Supreme Court for an honest and just review of all the proceedings below, and (4) sua sponte move to compel the Attorney General of the United States to move for the appointment of an independent Special Prosecutor to investigate the cover up of the fix by the Courts below, the United States Attorney for the Southern District of New York and various members of the United States Department of Justice, including the Solicitor General of the United States and Attorney General.

Date: December 17, 1979
New York, New York

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